

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 26, 1998

DIVISION ONE

B108962 Paulson, Inc. (Not for Publication)
 v.
 Pride Sales, Inc.
 4th & Market

The orders denying attorney's fees and costs are reversed and the cause is remanded for further proceeding consistent with this opinion. Costs are awarded to appellants R & B and Market.

Dunn, J. (Assigned)

I concur: Spencer, P.J.

I concur & dissent: Ortega, J. (Opinion)

DIVISION TWO

B115668 Shepard (Not for Publication)
 v.
 Northwest Cargo, et al.

The appeal is dismissed as untimely. Northwest is awarded costs on appeal.

Nott, J.

We concur: Fukuto, Acting P.J.
 Zebrowski, J.

October 26, 1998-Continued

DIVISION TWO (Continued)

B116876 Bowie (Not for Publication)
v.
Automobile Club of Southern California, et al.

The judgment appealed from is affirmed.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

[illegible]

The order under review is affirmed.

Nott, J.

We concur: Boren, P.J.
Zebrowski, J.

B092424 Arbutus Corporation, et al. (Not for Publication)
v.
Daregn Vinkdraft A/S, et al.

The judgment is affirmed as to both the appeal and cross-appeal. Each party to bear its own costs on appeal.

Boren, P.J.

We concur: Nott, J.
Zebrowski, J.

DIVISION TWO (Continued)

B115340 Arata Equipment Company (Not for Publication)
 v.
 Smith & Sons Enterprises, Inc.

The judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.
 Nott, J.

B118386 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Elena W.

The judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.
 Nott, J.

B121870 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Brian S.

The judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.
 Zebrowski, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

Each of the following:

B093440 Enriquez v. Gonzalez, et al.,
B114666 People v. Broussard
B116768 People v. McKnight
B124454 Dawn G., v. S.C.L.A.
B125098 Donna S., v. S.C.L.A.
B114337 Bajarria v. Nakano
B119277 Kangavari v. Yeshouafar
B116342 People v. Ineka E.
B112380 People v. Stevens

Argument waived, cause submitted.

B119154 Cameron
 v.
 Martin-Cameron

Merits:

Argued by Robert M. Victor for appellant and by Cary Goldstein for respondent. Cause submitted.

B116566 Continuations, Inc.
 v.
 Sellway Trading, Inc.

Merits:

Argued by Michael R. Brown for appellant and by John Schwimmer for respondent. Cause submitted.

DIVISION THREE (Continued)

B113372 Parker
 v.
 Johnson

Merits:
Argued by Jerald E. Gale for appellant and by Paul E. Lee for respondent.
Cause submitted.

B117440 People
 v.
 Tate

Merits:
Argued by Marylou Hillberg for appellant and by M. Susan Sullivan,
deputy attorney general for respondent. Cause submitted.

B104294 Kallas
 v.
 City of Los Angeles

Merits:
Argued by Nicole Kallas for appellant and by Renee Laurents, deputy city
attorney for respondent. Supplemental letter brief due by appellant on
October 30, 1998. Submission deferred.

B114129 Davis
 v.
 Baskin Robbins USA Co.

Merits:
Argued by Michael J. Bononi for appellant and by Daine B. Smith for
respondent. Cause submitted.

DIVISION THREE (Continued)

B119866 Casa Optima
vs.
Concord Capital Group, et al.

Merits:
Argued by Walter R. Luostari for appellant and by Robert Cipriano for respondent. Cause submitted.

B121824 American International
v.
S.C.L.A.

Merits:

Argued by Gene Livingston for petitioner and by Louis M. Marlich for real party in interest. Response by real party in interest to amicus curiae brief filed by the Attorney General due on September 7, 1998. Submission deferred.

B117060 Berry
v.
Society of Saint Pius X

Merits:
Argued by James R. Helms for appellant and by Paul G. McNamara for respondent. Cause submitted.

The Court recessed at 2:35 P.M.

The Court reconvened at 3:05 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

B119239 Gergis
vs.
Bd of Retirement of Los Angeles County

Appearance by respondent, argument waived, cause submitted.

DIVISION THREE (Continued)

B117244 Lee
 vs.
 Great Western Financial Corp., et al.

Merits:
Argued by Esteban Gallegos for appellant and Marc P. Goodman for
respondent. Cause submitted.

B116425 Moore
 vs.
 Liu

Merits: Argued by Mark A. Kleiman for appellant, no
appearance by respondent. Cause submitted.

B118068 REO Broadcasting Consultants
 vs.
 Martin

Merits: Argued by Cheryl Hodgson for appellant
and Diane Faber for respondent.

B115726 Brecht
 v.
 Racquetball World

Merits:
Argued by Todd J. Bloomfield for appellant and by Mark Schreiber for
respondent. Cause submitted.

DIVISION THREE (Continued)

B108952 Perez, et al.
 v.
 Co. of Los Angeles, et al.

Merits:

Argued by Steven B. Stevens for appellants and by Rachel L. Helyar for respondent. Supplemental letter brief of respondent due on November 2, 1998, response of appellant due on November 12, 1998. Submission deferred.

B118936 Hembree
 v.
 Holbrook

Merits:

Argued by George T. Kelly for appellant and by William Holbrook, respondent in propria persona. Cause submitted.

B113132 Harris
 v.
 Scottsdale Insurance

Merits:

Argued by Neil C. Newson for appellant and by David Cooksey for respondent. Cause submitted.

B120486 Stein
 v.
 Solit

Merits:

Argued by Michael K. Collins for appellant and by David Bate for respondent. Cause submitted.

DIVISION THREE (Continued)

B112916 Sierra Pacific Ins. Co.
 v.
 American Sentinel Ins. Co., et al.

Merits:

Argued by James T. Hudson for appellant and by Jim Mahacek for respondent. Supplemental letter brief is due by appellant on November 5, 1998 and response by respondent is due on November 16, 1998. Submission is deferred.

The court adjourned at 6:35 P.M.

B118916 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Lisa E.

The judgment (orders dated November 6, 1997, December 16, 1997 & January 27, 1998) is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B123467 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Richard S.

The appeal is dismissed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

October 26, 1998-Continued

DIVISION THREE (Continued)

B120609 People (Not for Publication)
v.
Jose Obispo Cortez

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B118316 People (Not for Publication)
v.
Ceasar Gutierrez Corona

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B121690 Los Angeles County, D.C.S. (Not for Publication)
v.
Robert G.

The appeal is dismissed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B120515 Los Angeles County, D.C.S. (Not for Publication)
v.
Kimberly P.

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B121968 People (Not for Publication)
v.
Gerard M.

The judgment (order continuing the minor a ward of the court under Welfare and Institutions Code section 602) is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B122401 Gerald P. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S, r.p.i.)

The petition for writ of mandate is denied. The order granting the stay issued June 26, 1998, vacated and the juvenile court is directed to set the matter for a section 366.26 hearing.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION FIVE

B112026 Feather River Hospital (Not for Publication)
v.
Director, Department of Health Services

The judgment is affirmed. Hospital is to bear the costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B121350 David Banks et al., (Not for Publication)
v.
Acme Laundry Products, Inc. et al.

The trial court order awarding attorney fees to Rome is reversed.
Appellants to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
Grignon, J.

DIVISION SIX

B116399 People (Not for Publication)
v.
Enriquez

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Coffee, J.

DIVISION SIX (Continued)

B117415 Pannkuk (Not for Publication)
v.
Carlson

The order is affirmed. Upon issuance of the remittitur, Raymond Howard Carlson shall have 30 days to elect whether to proceed to trial with his claims. Raymond Howard Carlson shall bear costs on appeal.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

[illegible]

The judgment is amended to reflect that, in addition to the \$5,000 restitution fine that appellant is required to pay pursuant to section 1202.4, he shall pay an additional \$5,000 restitution fine pursuant to section 1202.45, which fine shall be suspended unless his parole is revoked. In all other respects, the judgment is affirmed.

Stone, P.J.

We concur: Yegan, J.
Coffee, J.

[illegible]

The judgment is reversed and the trial court is directed to conduct a hearing at which appellant shall be afforded an opportunity to state the reasons he desired the appointment of new counsel after trial.

Stone, P.J.

We concur: Gilbert, J.
 Coffee, J.

DIVISION SIX (Continued)

B117837 Petrosource Transportation (Not for Publication)
 v.
 Estate of Grecian

The judgment is reversed. Costs are awarded to appellants.

Coffee, J.

We concur: Stone, P.J.
 Yegan, J.

B119812 Orvis (Not for Publication)
 v.
 Orvis

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B117802 Williams (Certified for Publication)
 v.
 PNS Stores, Inc.

The judgment is affirmed. Costs to MacFrugals.

Yegan, J.

We concur: Stone, P.J.
 Coffee, J.

DIVISION SEVEN

B119680 Alhambra Firefighters Association (Not for Publication)
 v.
 City of Alhambra

The judgment is affirmed. Respondent shall recover its costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B119466 People
 v.
 Parker

Filed order modifying opinion. (Change in judgment)